

October 7, 2011

Subcommittees on Social Security and Human Resources
House Ways and Means Committee
Washington, DC

Re: Joint Hearing on Work Incentives in Social Security Disability Programs
September 23, 2011

Dear Chairman Johnson, Chairman Davis and Members of the Subcommittees:

I am a Senior Attorney at the Disability Law Center, the Protection and Advocacy agency for Massachusetts. I have worked with clients on Social Security benefit issues for over 30 years. I submit these comments based on my many years of experience.

I agree with the testimony provided by Cheryl Bates-Harris, National Disability Rights Network, on behalf of the Consortium for Citizens with Disabilities (CCD). I will not repeat the issues contained in the CCD testimony. Instead, I will make three brief interconnected points emphasizing what I have seen over the years.

My first point is that the Ticket to Work provisions can and do help individual benefit recipients get the information and support needed to make back to work attempts, but SSA needs the staff and IT support necessary to adjust benefits on time. There is no bigger work disincentive than an attempt to work that results in a large benefit overpayment. When benefit recipients report work, they should be able to expect SSA to correctly apply the rules and quickly adjust benefits. The complexity of the work incentive rules and SSA's staffing shortages in recent years at the local SSA offices where people submit their wage stubs have resulted in delays in adjusting benefits and large overpayments of benefits. SSA has been trying to make improvements, but this requires an adequate budget for staff, training, and IT support.

My second point is that it is crucial that SSA's demonstration authority continue. SSA is in the midst of considering simplification of the Social Security Disability Insurance (SSDI) work incentive rules, which are impossibly complex to understand and apply. Benefit recipients and the organizations that serve them do not understand these rules, resulting in never knowing when an individual who is working is or is not eligible for benefits. SSA staff need special training to understand and work with these rules. The current SSDI work incentive rules create large workloads for SSA staff, result in large overpayments for unsuspecting benefit recipients, and add to the appeals work load. SSA must have demonstration authority in order to test concepts for needed improvements.

My third point is that beneficiary support is crucial to enhance use of the work incentives to return to work in general and to encourage use of the Ticket to Work specifically. My office receives PABSS funding and conducts many community outreach events to beneficiaries and community service providers on SSA's work incentives, and we often work with the Massachusetts Work Incentives Planning Assistance (WIPA) grantees and even SSA personnel in so doing. People in the community are hungry for help understanding the complex work incentive rules and why things went so wrong for them or for their clients with regard to work related benefit overpayments. In addition to the information provided in community events, part of what we do is speak to individuals one to one about the work incentives, help beneficiaries read and understand their notices from SSA, and provide understandable explanations of the work incentive rules and their reporting responsibilities. This outreach is necessary, but beneficiaries must also have confidence that they can rely on SSA to quickly and correctly apply the work incentives rules to adjust benefits and keep benefit overpayments to a minimum, as stated in my first point.

Thank you for this opportunity to provide comment.

Respectfully,

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